IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 34363 of 2007(S)

PETITIONER:

PASCHIMA KOCHI PASSENGERS ASSOCIATION,
KOCHI-682002, REPRESENTED BY
ITS PRESIDENT H. RAVIKUMAR PAI,
RESIDING AT 8/81, SREEHARI KRIPA,
RAMNATH LINE, SOUTH CHERLAI,
KOCHI-682 002.

BY ADV. SRI.K.J.SAJI ISAAC
DR.ELIZABETH VARKEY

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR,
DIRECTORATE OF STATE WATER TRANSPORT DEPARTMENT,
ALAPPUZHA.

BY SR. GOVT. PLEADER SMT. K. MEERA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K.M. JOSEPH, J.

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W.P.(C) No. 34363 of 2007

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Dated this the 17th day of December, 2007.

JUDGMENT

H.L.DATTU, CJ,

This writ petition is in the nature of a public interest litigation. Petitioner is an association of passengers.

2. In the writ petition filed, the petitioner highlights the difficulties faced by the passengers of boat, who came from West Kochi region. It is stated that people in West Kochi mainly rely on boat services conducted by the second respondent for commuting from their place of residence. It is further stated that boat service is the easiest mode of travel from Fort Kochi, Island, Mattancherry etc., and all persons employed in Ernakulam and also students depend on boat service for their travel.

3. The complaint in this writ petition is that the boats plied by the second respondent are old and not water-worthy, and these boats are not replaced or repaired and this has resulted in many mishaps and accidents. It is further alleged that the boats are withdrawn for repairs and not substituted by other boats. It is further stated that life saving equipments are not stored in the boats, and there is potential hazard to lakhs of people, who commute by boat. It is further complained that boat travel through channels, which are also used by ships, and hence it is essential that channels, through which boats have to travel is to be correctly demarcated. According to the petitioner, there is no proper control or monitoring to ensure that boats should not deviate from the normal route. It is further alleged that the boats are cancelled without any notice and most of the trips are running late by more than two hours, and that ticket counters are closed

without any rime or reason. It is further stated that the representations made to the various authorities have not evoked any response. Therefore, the petitioner association is before us in this writ petition inter alia seeking a direction to the respondents to take immediate measures to see to it that the boats are water-worthy and safe and further to fill up posts in the department, so that timely supervision, co-ordination and control of the department is possible.

4. After service of notice, the respondents have filed a detailed statement of objections. In that, they have stated that they are taking effective steps as far as possible to alleviate the grievance of the petitioner association. The statement of objection filed also would indicate that the department is taking all efforts to provide better and safer boat service in the State and further that steps are also being taken to improve the boat service to the satisfaction of the traveling public.

5. The statement of objection filed by the respondents is taken on record.

6. Since the respondents are taking effective steps to alleviate the grievance of the petitioner, at this stage, it may not be necessary for us to issue further direction in the instant writ petition. Therefore, placing on record the statement of objection filed by the respondents, the writ petition is disposed of.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

sb.